

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARVIN ANDERSON,

Plaintiff,

Case No. 06-cv-5363

HON. BERNARD A. FRIEDMAN

vs.

THE CITY OF NEW YORK, et al.,

Defendants.

**ORDER DENYING DEFENDANTS' RENEWED MOTION
FOR RECONSIDERATION**

Upon the Court's own request, as it believed that there may have been issues worth revisiting, defendants' renewed their motion for reconsideration [docket entry 77] of District Judge Matsumoto's September 20, 2011 order granting in part and denying in part defendants' motion for summary judgment [docket entry 57]. Plaintiff filed a response [docket entry 79] and defendants filed a reply [docket entry 80].

After reviewing the motion papers, the Court finds that the law of the case doctrine does apply. The law of the doctrine provides that, "when a court decides upon a rule of law, that decision should generally continue to govern the same issues in subsequent stages in the same case." Russul Corp. v. Zim American Integrated Shipping Services Co., No. 06-0037, 2009 U.S. Dist. LEXIS 91098, at *3 (S.D.N.Y. Oct. 5, 2009) *quoting* Arizona v. California, 460 U.S. 605, 618 (1983). Courts will generally make an exception to this doctrine when there is "an intervening change of controlling law, . . . availability of new evidence, or the need to correct a clear error or prevent manifest injustice." United States v. Plugh, 648 F.3d 118, 124 (2d Cir.

2011) *quoting* Doe v. N.Y.C. Dep't of Soc. Servs., 709 F.2d 782, 789 (2d Cir. 1983). The Court is convinced that defendants' argument neither falls within any of the aforesaid exceptions nor provides an otherwise compelling reason to disturb Judge Matsumoto's prior decision. Joiner v. Chartwells, No. 11-5463, 2012 U.S. App. LEXIS 12905, at *3 (2d Cir. Jun. 25, 2012).

Accordingly,

IT IS ORDERED that defendants' renewed motion for reconsideration is denied.

/S/ Bernard A. Friedman

Dated:

Detroit, Michigan

BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE